

REMARKS

Claims 1-20 are pending in the above-identified patent application. Reconsideration in view of the foregoing amendment and following remarks is respectfully requested.

Applicants appreciate the courtesy extended by Examiner, Brandon Hoffman, during a telephone interview on March 17, 2005. During the interview the applicants' undersigned attorney and the Examiner discussed the pending claim rejections in light of clarification of applicants' invention. Notably, after discussion relating that applicants' invention generally involved projecting an image on the screen that is imperceptible to a human viewer mainly due to the image's frame rate frequency, the Examiner agreed that the pending claim rejections are overcome by claims drawn more precisely to frame rate frequency, rather than just to frequency. Applicants have amended all the independent claims to more clearly recite frame rate frequency.

In the prior Official Action of November 16, 2004, which was made final, and regarding which an Advisory Action issued on February 23, 2005, pending claims 1 - 20 have been rejected.

Claims 1, 2, 10-13 and 18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,018,374 to Wroblewski.

Wrobleski uses an infra-red projector to impose a humanly invisible image on the visibly-projected image, wherein a recording device would pick up both the visible image and distortion from the infra-red component, thereby providing protection from piracy. Wrobleski's infra-red projector provides a humanly imperceptible interference because the image is at humanly-imperceptible light frequencies, not at imperceptible frame rate frequencies. Independent claims 1, 11 and 12, as amended, and thus their dependent claims 2, 10, and 13-18, recite imposing an interference at a humanly-imperceptible frame rate frequency. This interference is recorded on a camcorder or other video recording device, which then appears upon playback as distortion to the image.

In the Official Action, claims 3-5, 7-8 and 15 were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Wrobleski* in view of U.S. Patent No. 6,041,158 to *Sato*. As noted herein, *Wrobleski* does not teach providing a humanly-imperceptible image that is imperceptible due to its frame rate frequency, as provided in the pending claims, as amended. *Sato* teaches the insertion of a "phase-shifted color burst" as a form of copy protection. *Sato* does not teach imposing an image at a different frame rate frequency. Thus, no combination of

Wrobleski with *Sato* provides or suggests imposing an image at a humanly-imperceptible frame rate frequency, as required by the claims as amended herein. For this reason, these claims are non-obvious and allowable over such combination.

Claims 6, 9, 16-17 and 19-20 are also rejected under 35 U.S.C. §103(a) as being unpatentable over *Wrobleski* in view of *Sato* and further in view of U.S. Patent No. 5,394,274 to *Kahn*.

As previously stated with respect to the *Wrobleski* combination with *Sato*, combining these references further with *Kahn* still fails to disclose or suggest the features of the present invention noted above. *Kahn* concerns the imposition of audible artifacts to copies to prevent copying. Thus, *Kahn* fails to teach imposing an image at a different frame rate frequency, as provided by the claims as amended herein. Therefore, these claims are non-obvious and allowable over any combination of *Wrobleski*, *Sato* and *Kahn*.

As it is believed that all of the rejections set forth in the Official Action dated November 16, 2004 have been overcome by the amendments and remarks filed with the RCE herein, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such can be taken at this time, it is respectfully requested

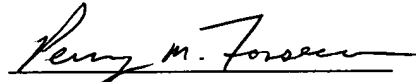
Docket No.: SAR 13774

U.S. Serial No. 09/592,472
(PATENT)

that he/she telephone applicant's attorney at (973) 596-4525 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 03-3839 therefor.

Respectfully submitted,



Perry M. Fonseca
Attorney for Applicant
Registration No. 50,975

Gibbons, Del Deo, Dolan
Griffinger & Vecchione
One Riverfront Plaza
Newark, NJ 07102-5496